PTO/SE/26 (10.00) Approved for use 10/31/2002, OMB 06s1-003 N Office: U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control num TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING C01019US (08395.7C5) REJECTION OVER A PRIOR PATENT In re Application of: Norman Bourgeois percent in the instant application Application No.: 09/838.091 Filed: April 19, 2001 "Gas Fired Outdoor Cooking Apparatus" For The owner. Metal Fustion, Inc. _, of _ 100 The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assions. In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer. Check either box 1 or 2 below, if appropriate, For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both. under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. X The undersigned is an attorney or agent of record. Signature Brett A. North, Reg. No. 42,040 Typed or printed name Terminal disclaimer fee under 37 CFR 1.20(d) Included. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. *Statement_under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).

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Application No.: 09/838,091
Filed: April 19, 2001
For: "Gas Fired Outdoor Cooking Apparatus"

The owner", Midsl Fustion, Inc..., of 100 percent interest in bib-instant application here in the instant application which would be above the terminal part of the statutory term of any Midsl granted on the instant application which would avoid the avoidable of the file file statutory term of any English which would avoid the avoidable of the file file statutory term of any English which would avoid the avoidable of the file file statutory term of any English on the statutory term of any English of the Statutory term of the Statutory instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. _. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns. In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the Instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer. Check either box 1 or 2 below, if appropriate, For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Titlo 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. The undersigned is an attornov or agent of record. Sionature Brett A. North, Rcg. No. 42,040 Typed or printed name Terminal disclaimer fee under 37 CFR 1.20(d) included.

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2. X The undersigned is an attorney or agent of record.	Signatur	<u>Yorlan</u>
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